

HOUSE BILL No. 2347

By Committee on Appropriations

2-16

9 AN ACT relating to drivers' licenses; concerning the expiration of certain
10 licenses; amending K.S.A. 2008 Supp. 8-247 and repealing the existing
11 section.
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2008 Supp. 8-247 is hereby amended to read as
15 follows: 8-247. (a) (1) All original licenses shall expire as follows:

16 (A) Licenses issued to persons who are at least 21 years of age, but
17 less than 65 years of age shall expire on the sixth anniversary of the date
18 of birth of the licensee which is nearest the date of application;

19 (B) licenses issued to persons who are 65 years of age or older shall
20 expire on the fourth anniversary of the date of birth of the licensee which
21 is nearest the date of application;

22 (C) any commercial drivers license shall expire on the fourth anni-
23 versary of the date of birth of the licensee which is nearest the date of
24 application;

25 (D) licenses issued to an offender, as defined in K.S.A. 22-4902, and
26 amendments thereto, who is required to register pursuant to the Kansas
27 offender registration act, K.S.A. 22-4901 et seq., and amendments
28 thereto, shall expire every year on the date of birth of the licensee; or

29 (E) licenses issued to persons who are less than 21 years of age shall
30 expire on the licensee's twenty-first birthday.

31 (2) All renewals under: (A) Paragraph (1) (A) shall expire on every
32 sixth anniversary of the date of birth of the licensee; (B) paragraph (1)
33 (B) and (C) shall expire on every fourth anniversary of the date of birth
34 of the licensee; (C) paragraph (1)(D) shall expire every year on the date
35 of birth of the licensee; and (D) paragraph (1) (E), if a renewal license is
36 issued, shall expire on the licensee's twenty-first birthday. No driver's
37 license shall expire in the same calendar year in which the original license
38 or renewal license is issued, except that if the foregoing provisions of this
39 section shall require the issuance of a renewal license or an original license
40 for a period of less than six calendar months, the license issued to the
41 applicant shall expire in accordance with the provisions of this subsection.

42 (b) If the driver's license of any person expires while such person is
43 outside of the state of Kansas and *such person is* on active duty in the

1 armed forces of the United States *or is the spouse or dependent child*
2 *residing with the person on active duty*, the license of such person shall
3 be renewable, without examination, at any time prior to the end of the
4 sixth month following the discharge of ~~such the~~ person from the armed
5 forces, or within 90 days after ~~reestablished~~ residence within the state *is*
6 *reestablished*, whichever time is sooner.

7 (c) At least 30 days prior to the expiration of a person's license the
8 division shall mail a notice of expiration or renewal application to such
9 person at the address shown on the license. The division shall include
10 with such notice: (1) A copy of the eyesight examination form; (2) a copy
11 of the written examination prescribed by subsection (e); (3) a copy of the
12 Kansas driver's manual, prepared pursuant to K.S.A. 8-266b, and amend-
13 ments thereto; and (4) the written information required under subsection
14 (g).

15 (d) (1) Except as provided in paragraph (2), every driver's license
16 shall be renewable on or before its expiration upon application and pay-
17 ment of the required fee and successful completion of the examinations
18 required by subsection (e). Application for renewal of a valid driver's
19 license shall be made to the division in accordance with rules and regu-
20 lations adopted by the secretary of revenue. Such application shall contain
21 all the requirements of subsection (b) of K.S.A. 8-240, and amendments
22 thereto. Upon satisfying the foregoing requirements of this subsection,
23 and if the division makes the findings required by K.S.A. 8-235b, and
24 amendments thereto, for the issuance of an original license, the license
25 shall be renewed without examination of the applicant's driving ability. If
26 the division finds that any of the statements relating to revocation, sus-
27 pension or refusal of licenses required under subsection (b) of K.S.A. 8-
28 240, and amendments thereto, are in the affirmative, or if it finds that
29 the license held by the applicant is not a valid one, or if the applicant has
30 failed to make application for renewal of such person's license on or be-
31 fore the expiration date thereof, the division may require the applicant
32 to take an examination of ability to exercise ordinary and reasonable con-
33 trol in the operation of a motor vehicle as provided in K.S.A. 8-235d, and
34 amendments thereto.

35 (2) Any licensee, whose driver's license expires on their twenty-first
36 birthday, shall have 45 days from the date of expiration of such license to
37 make application to renew such licensee's license. Such license shall con-
38 tinue to be valid for such 45 days or until such license is renewed, which-
39 ever occurs sooner. A licensee who renews under the provisions of this
40 paragraph shall not be required by the division to take an examination of
41 ability to exercise ordinary and reasonable control in the operation of a
42 motor vehicle as provided in K.S.A. 8-235d, and amendments thereto.

43 (e) (1) Prior to renewal of a driver's license, the applicant shall pass

1 an examination of eyesight and a written examination of ability to read
2 and understand highway signs regulating, warning and directing traffic
3 and knowledge of the traffic laws of this state. Such examination shall be
4 equivalent to the tests required for an original driver's license under
5 K.S.A. 8-235d, and amendments thereto. A driver's license examiner shall
6 administer the examinations without charge and shall report the results
7 of the examinations on a form provided by the division, which shall be
8 submitted by the applicant to the division at the time such applicant
9 applies for license renewal.

10 (2) In lieu of the examination of the applicant's eyesight by the ex-
11 aminer, the applicant may submit a report on the examination of eyesight
12 by a physician licensed to practice medicine and surgery or by a licensed
13 optometrist. The report shall be based on an examination of the appli-
14 cant's eyesight not more than three months prior to the date the report
15 is submitted, and it shall be made on a form furnished the applicant with
16 the notice of the expiration of license under subsection (c).

17 (3) In lieu of the driver's license examiner administering the written
18 examination, the applicant may complete the examination furnished with
19 the notice of the expiration of license under subsection (c) and submit
20 the completed examination to the division.

21 (4) The division shall determine whether the results of the written
22 examination and the eyesight reported are sufficient for renewal of the
23 license and, if the results of either or both of the examinations are insuf-
24 ficient, the division shall notify the applicant of such fact and return the
25 license fee. In determining the sufficiency of an applicant's eyesight, the
26 division may request an advisory opinion of the medical advisory board,
27 which is hereby authorized to render such opinions.

28 (5) An applicant who is denied a license under this subsection (e)
29 may reapply for renewal of such person's driver's license, except that if
30 such application is not made within 90 days of the date the division sent
31 notice to the applicant that the license would not be renewed, the appli-
32 cant shall proceed as if applying for an original driver's license. If the
33 applicant has been denied renewal of such person's driver's license be-
34 cause such applicant failed to pass the written examination, the applicant
35 shall pay an examination fee of \$1.50 to take the test again.

36 (6) When the division has good cause to believe that an applicant for
37 renewal of a driver's license is incompetent or otherwise not qualified to
38 operate a motor vehicle in accord with the public safety and welfare, the
39 division may require such applicant to submit to such additional exami-
40 nations as are necessary to determine that the applicant is qualified to
41 receive the license applied for. Subject to paragraph (7) of this subsection,
42 in so evaluating such qualifications, the division may request an advisory
43 opinion of the medical advisory board which is hereby authorized to ren-

1 der such opinions in addition to its duties prescribed by subsection (b) of
2 K.S.A. 8-255b, and amendments thereto. Any such applicant who is de-
3 nied the renewal of such a driver's license because of a mental or physical
4 disability shall be afforded a hearing in the manner prescribed by sub-
5 section (c) of K.S.A. 8-255, and amendments thereto.

6 (7) Seizure disorders which are controlled shall not be considered a
7 disability. In cases where such seizure disorders are not controlled, the
8 director or the medical advisory board may recommend that such person
9 be issued a driver's license to drive class C or M vehicles and restricted
10 to operating such vehicles as the division determines to be appropriate
11 to assure the safe operation of a motor vehicle by the licensee. Restricted
12 licenses issued pursuant to this paragraph shall be subject to suspension
13 or revocation. For the purpose of this paragraph, seizure disorders which
14 are controlled means that the licensee has not sustained a seizure involv-
15 ing a loss of consciousness in the waking state within six months preceding
16 the application or renewal of a driver's license and whenever a person
17 licensed to practice medicine and surgery makes a written report to the
18 division stating that the licensee's seizures are controlled. The report shall
19 be based on an examination of the applicant's medical condition not more
20 than three months prior to the date the report is submitted. Such report
21 shall be made on a form furnished to the applicant by the division. Any
22 physician who makes such report shall not be liable for any damages
23 which may be attributable to the issuance or renewal of a driver's license
24 and subsequent operation of a motor vehicle by the licensee.

25 (f) If the driver's license of any person expires while such person is
26 outside the state of Kansas, the license of such person shall be extended
27 for a period not to exceed six months and shall be renewable, without a
28 driving examination, at any time prior to the end of the sixth month fol-
29 lowing the original expiration date of such license or within 10 days after
30 such person returns to the state, whichever time is sooner. This subsection
31 (f) shall not apply to temporary drivers' licenses issued pursuant to sub-
32 section (b)(3) of K.S.A. 8-240, and amendments thereto.

33 (g) The division shall provide the following information in a person's
34 notice of expiration or renewal under subsection (c):

35 (1) Written information explaining the person's right to make an an-
36 atomical gift in accordance with K.S.A. 8-243, and amendments thereto,
37 and the revised uniform anatomical gift act, K.S.A. 2008 Supp. 65-3220
38 through 65-3244, and amendments thereto;

39 (2) written information describing the organ donation registry pro-
40 gram maintained by the Kansas federally designated organ procurement
41 organization. The written information required under this paragraph shall
42 include, in a type, size and format that is conspicuous in relation to the
43 surrounding material, the address and telephone number of Kansas' fed-

- 1 erally designated organ procurement organization, along with an advisory
2 to call such designated organ procurement organization with questions
3 about the organ donor registry program;
- 4 (3) written information giving the applicant the opportunity to be
5 placed on the organ donation registry described in paragraph (2);
- 6 (4) inform the applicant in writing that, if the applicant indicates un-
7 der this subsection a willingness to have such applicant's name placed on
8 the organ donor registry described in paragraph (2), the division will for-
9 ward the applicant's name, gender, date of birth and most recent address
10 to the organ donation registry maintained by the Kansas federally desig-
11 nated organ procurement organization, as required by paragraph (6);
- 12 (5) the division may fulfill the requirements of paragraph (4) by one
13 or more of the following methods:
- 14 (A) Providing printed material enclosed with a mailed notice for
15 driver's license renewal; or
- 16 (B) providing printed material to an applicant who personally appears
17 at an examining station;
- 18 (6) if an applicant indicates a willingness under this subsection to have
19 such applicant's name placed on the organ donor registry, the division
20 shall within 10 days forward the applicant's name, gender, date of birth
21 and most recent address to the organ donor registry maintained by the
22 Kansas federally designated organ procurement organization. The divi-
23 sion may forward information under this subsection by mail or by elec-
24 tronic means. The division shall not maintain a record of the name or
25 address of an individual who indicates a willingness to have such person's
26 name placed on the organ donor registry after forwarding that informa-
27 tion to the organ donor registry under this subsection. Information about
28 an applicant's indication of a willingness to have such applicant's name
29 placed on the organ donor registry that is obtained by the division and
30 forwarded under this paragraph shall be confidential and not disclosed.
- 31 (h) Notwithstanding any other provisions of law, any offender under
32 subsection (a)(1)(D) who held a valid driver's license on the effective date
33 of this act may continue to operate motor vehicles until the next anni-
34 versary of the date of birth of such offender. Upon such date such driver's
35 license shall expire and the offender shall be subject to the provisions of
36 this section.
- 37 Sec. 2. K.S.A. 2008 Supp. 8-247 is hereby repealed.
- 38 Sec. 3. This act shall take effect and be in force from and after its
39 publication in the Kansas register.